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commissioners was given power to appoint and discharge the probation officer of the county court. The constitution provided that no person composing one of the three departments should exercise any power properly belonging to either of the others. *Held*, that the statute is unconstitutional, since it is a delegation of a judicial power to an administrative board. *Witter v. County Commissioners of Cook County*, 45 Chic. Leg. N. 194 (Ill., Sup. Ct., Dec., 1912). See NOTES, p. 744.

CONSTITUTIONAL LAW — TRIAL BY JURY — VALIDITY OF STATUTE ALLOWING CHANGE OF VENUE UPON APPLICATION BY PROSECUTOR. — A state constitution provided that the right of trial by jury should remain. A statute allowed circuit courts, upon good cause shown, to change the venue in any causes pending before them. On the application of the prosecution, a circuit court made an order changing the venue in a criminal case. The accused thereupon brought mandamus to compel a vacation of the order. *Held*, that the writ will issue. *Glinnan v. Phelan*, 140 N. W. 87 (Mich.).

Two of the four judges composing the majority reached their conclusions on the ground that the statute was unconstitutional, though a majority of the court thought otherwise. The question turns on what the right of the accused was at common law, for this the constitution guarantees him. At common law, upon a writ of *certiorari*, there was a discretionary power to change the venue at the defendant's request, if he showed that a fair trial was impossible in the district where the crime occurred. *King v. Hunt*, 3 B. & Ald. 444. See *People v. Vermilyea*, 7 Cow. (N. Y.) 108. By the better view changes were also granted upon the same ground on the prosecutor's application. *Regina v. Barrett*, Ir. R. 4 C. L. 285. See *Barry v. Truax*, 13 N. D. 131, 141, 99 N. W. 769, 772. But see *People v. Powell*, 87 Cal. 348, 25 Pac. 481. The common-law right guaranteed by the state constitution was therefore only a conditional right to be tried in the county where the crime was committed. Hence the statute in the principal case is not unconstitutional. *People v. Peterson*, 93 Mich. 27, 52 N. W. 1039; *Barry v. Truax*, *supra*. This reasoning would seem to apply even where the constitution expressly provides for a trial in the county or district where the crime occurs, for this is the broad common-law rule, into which the common-law exception should be read. The slight weight of authority is, however, opposed to this view. *Wheeler v. State*, 24 Wis. 52; *In re Nelson*, 19 S. D. 214, 102 N. W. 885. *Contra*, *State v. Miller*, 15 Minn. 344; *Hewitt v. State*, 43 Fla. 194, 30 So. 795.

CONSTITUTIONAL LAW — TRIAL BY JURY — WHETHER APPELLATE COURT CAN REVERSE A JUDGMENT RENDERED ON A VERDICT. — The plaintiff sued the defendant company on an insurance policy. After the evidence was in, the defendant requested a verdict in its favor. The request was refused and the jury found in favor of the plaintiff. The defendant moved for judgment notwithstanding the verdict. The motion was refused, but on writ of error the Circuit Court of Appeals, finding that there was not sufficient evidence to send the plaintiff's case to the jury, entered judgment for the defendant. *Held*, that the Circuit Court of Appeals should have ordered a new trial, but the entering of judgment for the defendant was in violation of the Seventh Amendment, providing that "no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law." *Slocum v. New York Life Ins. Co.*, 33 Sup. Ct. 523. See NOTES, p. 738.

CORPORATIONS — CAPITAL, STOCK, AND DIVIDENDS — SITUS OF STOCK AT DOMICILE OF CORPORATION. — A testator who died domiciled in Alabama owned stock in a Mississippi corporation. By Mississippi law all the property in that state is distributed according to Mississippi law and not that of the